

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY LEE STEWART, SR.,

Plaintiff,

v.

OFFICER WILEY, OFFICER STANLEY,
OFFICER DANIELSON,
OFFICER JANE DOE THIRD SHIFT,
OFFICER HANSON, OFFICER O'LEARY,
POLICE CHIEF DAVID MOORE,
DEPUTY CHIEF SHERIDAN,
DEPUTY CHIEF KLIESNER,
and DEPUTY CHIEF PEARSON,

Defendants.

ORDER

22-cv-482-jdp

Plaintiff Timothy Lee Stewart, Sr., appearing pro se, alleges that defendant Janesville police officers have repeatedly cited or arrested him based on complaints of criminal activity or mental health crises that they know are false. I granted Stewart leave to proceed on claims against officers who cited or arrested him and against supervisors who failed to intervene to correct this practice. Defendants have answered and the case is set for a telephonic preliminary pretrial conference with Magistrate Judge Stephen L. Crocker on May 17.

Stewart has filed two submissions that I will address in this order. First, he has filed a document that he titles as a response to my order screening his amended complaint, Dkt. 12, in which he appears to be attempting to raise claims additional to those on which I allowed him to proceed in that order. I will construe this document as an attempt to amend his complaint further. But Stewart's filing is difficult to understand and in parts he refers to other cases in this court concerning events that are not part of this particular lawsuit. I have already instructed Stewart that the court would summarily dismiss any complaint he files that does

not come close to meeting the pleading requirements of Federal Rule of Civil Procedure 8. *See Stewart v. Severson*, Case No. 23-cv-20-jdp, Dkt. 4, at 3 (Jan. 11, 2023). Stewart's new filing fails to meet these pleading standards so I will deny his request to amend his complaint. Subject to the requirements of the Federal Rules of Civil Procedure, Stewart remains free to amend his complaint, but if he does so he should take care to do the following:

- Carefully consider whether he is naming proper defendants and omit defendants who did not personally cause or participate in a constitutional violation.
- Identify all of the individuals he wishes to sue in the caption of the complaint.
- Describe simply and concisely, in plain English, what actions he believes that each defendant took that violated his rights, using separate, numbered paragraphs. He should state his allegations as if he were telling a story to someone who knows nothing about the events.
- Describe what relief he is seeking.
- Omit legal arguments other than explaining what types of claims he wishes to bring.

Second, Stewart has filed a motion asking the court to acknowledge that defendants Deputy Chief Sheridan and Officer Jane Doe Third Shift have been served with the complaint; the record contains United States Marshals Service acceptance-of-service forms for the other defendants with the exception of defendant O'Leary. Dkts. 14–20. I will formally deny the motion to acknowledge service because service of these defendants is not on the record. Counsel for the other defendants have filed a notice of appearance for Sheridan and O'Leary and have filed an answer that does not include a failure-of-service defense, so I take it that Sheridan and O'Leary have indeed been served. I will give counsel a short time to confirm this.

As for Officer Jane Doe Third Shift, the identity of this defendant is not yet known and so she cannot be served. At the May 17 preliminary pretrial conference, Magistrate Judge Crocker will explain the process for Stewart to use discovery requests to identify the Jane Doe

defendant and amend his complaint to include that defendant's proper identity. At that point the Marshals will serve that defendant.

ORDER

IT IS ORDERED that:

1. Plaintiff Timothy Lee Stewart, Sr.'s motion to amend his complaint, Dkt. 12, is DENIED without prejudice.
2. Plaintiff's motion to acknowledge service, Dkt. 21, is DENIED.
3. Defendants may have until May 4, 2023, to respond to this order regarding service of defendants Sheridan and O'Leary.

Entered April 20, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge